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Norifumi Kikkawa

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EXAMINER

HUSSAIN, IMAD

ART UNIT

PAPER NUMBER

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MAIL DATE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/552,147	Applicant(s) KIKKAWA ET AL.	
	Examiner IMAD HUSSAIN	Art Unit 4117	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 30-58 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 30-58 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This communication is in response to Applicant's reply filed under 3 CFR 1.111 on 4 December 2007. Claim(s) 30-58 were amended and are pending.
2. Amendment to the specifications in response to objection has been considered. The amendment to the specifications obviates previously raised objection. As such, this objection is hereby withdrawn.
3. Amendment to claim(s) 30-58 in response to objection has been considered. The amendment to the claims obviates previously raised rejection. As such this objection is hereby withdrawn.
4. Amendment to claim(s) 40, 41, 45, 52 and 53 in response to rejection under 35 USC 112 has been considered. The amendment to the claims obviates previously raised rejection. As such this rejection is hereby withdrawn.
5. Amendment to claim(s) 57 and 58 in response to rejection under 35 USC 101 has been considered. The amendment to the claims obviates previously raised rejection. As such this rejection is hereby withdrawn.

Claim Rejections - 35 USC § 103

6. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

7. Claims 30, 31, 33-38, 42, 43, 45, 46, 48-50, 54, 55, 57, 58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ritchie et al. (*UPnP AV Architecture:0.83*, hereafter Ritchie) further in view of Debique et al (*ContentDirectory:1 Service Template Version 1.01*, hereafter Debique).

Regarding claim 30, Ritchie teaches *a content providing server* [Ritchie: *Media Server* and *Control Point*, sections 5.1 and 5.3] *that executes a content transmission process to a client* [Ritchie: *MediaRenderer*, section 5.2] *connected via a local area network* [Ritchie: “*home network*”, page 7, paragraph 1], *comprising*:

-a tuner that receives content over channels [Ritchie: page 7, paragraph 1 “TV tuner” and “satellite/cable receiver” receive content over channels];

-a data transmission/reception section that executes a communication process between the server and the client via the local area network for the content and control information [Ritchie: page 5, paragraph 5];

-a storage section having attribute information corresponding to the content as content information [Ritchie: *Content Directory Service*, section 5.1.1];

-a content management section providing the content information to the client [Ritchie: *Content Directory Service*, section 5.1.1]; *and*

-a content distribution control section that executes live streaming [Ritchie: page 7, paragraph 2] of the content to the client via the local area network [Ritchie: section 5.3, item 7],

-wherein the storage section stores a first channel list [Ritchie: Content Item, section 5.1.1], and

-wherein the content distribution control section streams content, corresponding to the channel [note: singular] [Ritchie: page 7, paragraph 1] on the basis of a control request corresponding to a second channel list ["InstanceID" "identifying the content item"] received from the client [Ritchie: section 5.3, item 7].

Ritchie does not explicitly disclose the treatment of multiple channels *as a single unit of controlled content* or that the channel list *includes the identifier channels*.

However, Debique teaches that "a playlistContainer instance represents a collection of [multimedia] objects... audio, video, and images" [Debique: section 7.8] and "may have an element for playback of the whole playlist" [Debique: section 7.8] and also that a "channelName" may be used to identify a tuner channel therein [Debique: Appendix B]. Therefore, Debique teaches treating multiple channels as a single unit of controlled content and the use of a list including identifier channels.

Ritchie and Debique are analogous subject matter in the same field of endeavor, as both cover the art of streaming media across a local area network. One of ordinary skill in the art at the time the invention was made would have been motivated to modify Ritchie's identifiers with the resource identifier types provided by Debique as doing so

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would allow for different types of content to be identified. In addition, Ritchie makes explicit mention of using Debique's *ContentDirectory* [Ritchie: section 5.1.1, page 7]. Moreover, Ritchie and Debique were released by the same organization (the UPnP Forum), share a common author (John Ritchie) and clearly state that they are "for UPnP Version 1.0" on their respective front pages. Therefore, the invention as a whole would have been obvious to one of ordinary skill in the art at the time the invention was made.

Regarding claim 31, Ritchie-Debique teaches that:

-the first channel list comprises a plurality of URLs (Uniform Resource Locators)
[Debique: section 2.8.5.2];

-the second channel list comprises one of the URLs [Debique: section 2.8.5.2];
-the storage section is configured to store the URLs [Debique: section 2.8.5.2] *as attribute information corresponding to the content* [Ritchie: *Content Item*, section 5.1.1];
and

-the content distribution control section is configured to stream the content on the basis of the one URL, according to the control request from the client [Ritchie: section 5.3, item 7].

Regarding claim 33, Ritchie-Debique teaches that:

-the content information contains protocol information [Ritchie: section 5.1.1] *comprising a function ID ["channelName"], as tuner identification information, corresponding to the tuner* [Debique: Appendix B]; and

-the content distribution control section is configured to set a control instance that executes control over the content [Ritchie: section 5.1.1] by executing control over the tuner based on the function ID [Debique: Appendix B, "channelName"].

Regarding claim 34, Ritchie-Debique teaches that:

-the content distribution control section sets a control instance to execute control [Ritchie: section 5.2.2] for streaming content [Ritchie: section 5.1]; and

-a tuner [Ritchie: section 5.1] control instance that executes control over the content by controlling the tuner on the basis of the control request from the client [Ritchie: section 5.2.2].

Regarding claim 35, Ritchie-Debique teaches that:

-the content distribution control section is configured to:

- set a control instance to execute control [Ritchie: section 5.2.2] for streaming content [Ritchie: section 5.1]; and

- execute connection management based on a connection management table [Debique: serviceStateTable, pages 60-62] comprising an instance ID [Ritchie: section 5.3, step 5] as an identifier of the control instance, a connection ID as a connection identifier between the server and the client [Ritchie: section 5.1], and protocol information corresponding to the content [Ritchie: section 5.1.1].

Regarding claim 36, Ritchie-Debique teaches that:

-the content distribution control section is configured to:

- *-set a control instance for streaming content wherein the control instance is configured to have an instance ID set as an identifier [Ritchie: section 5.3]; and*
- *-execute the content distribution control according to a control request from the client [Ritchie: "This InstanceID is used in conjunction with the device's AVTransport Service (i.e. the device returning the AVTransport InstanceID) to control the flow of the content (e.g. Play, Stop, Pause, Seek, etc)", section 5.3, step 5], wherein the client request designates the control instance ID [Ritchie: section 5.3, step 5].*

Regarding claim 37, Ritchie-Debique teaches that:

-the content distribution control section is configured to:

- *-receive a control request from the client, for streaming the content, wherein the control request is compliant with a SOAP (Simple Object Access Protocol) [Ritchie: "components interact with each other using... standard UPnP protocols (e.g., SOAP over HTTP)", page 6, paragraph 5]; and*
- *-execute distribution control over the content on the basis of the control request [Ritchie: "This InstanceID is used in conjunction with the device's AVTransport Service (i.e. the device returning the AVTransport InstanceID) to control the flow of the content (e.g. Play, Stop, Pause, Seek, etc)", section 5.3, step 5].*

Regarding claim 38, Ritchie-Debique teaches that *the first channel list* ["playlistContainer"] *is configured to be set as a list formed from the plurality of channels* ["channelName"] *divided according to categories* ["genres"] [Debique: section 7.7].

Regarding claim 42, Ritchie-Debique teaches *an information processing apparatus* [Ritchie: *MediaRenderer* and *Control Point*, sections 5.2 and 5.3] *that receives content from a tuner set in a server* [Ritchie: *MediaServer*, section 5.1] *via a local area network* [Ritchie: *home network*], *comprising:*

- *a data transmission/reception section that executes data transmission/reception process with respect to the server that provides content via the local area network* [Ritchie: section 5.2], *wherein the tuner receives the content over channels* [Ritchie: section 5.1] *and the server stores a first channel list including the channels* [Ritchie: section 5.1, where a "TV tuner" offers channels and Debique: section 7.8, where a "playlistContainer" groups offered media in a list, including Debique: appendix B tuner channels "channelName"]; *and*

- *a control section* [Ritchie: *Control Point*, section 5.3] *configured to:*

- *transmit to the server, via the local area network, a content transmission request* [Ritchie: section 5.3, item 7] *including a second channel list* [Debique: section 7.8, "playlistContainer"], *the second channel list including a plurality of the channels included in the first channel list* [Debique: section 7.8, "playlistContainer" where Ritchie: section 5.3, item 7 demonstrates that the request includes a subset of available items]; *and*

- *-transmit a distribution control request for the content, wherein the server designates a control instance that executes control over content streaming [Ritchie: section 5.3, item 7].*

Regarding claim 43, Ritchie-Debique teaches that

- *-the control section is configured to:*
 - *-transmit a connection preparation request to the server, to acquire an ID of the control instance wherein the ID comprises a tuner identification function ID [Ritchie: section 5.1.1 “metadata” “properties” include Debique: appendix B “channelName” used for identification of tuner channels] based on protocol information stored in the server [Ritchie: section 5.3, step 4]; and*
 - *-transmit the distribution control request for the content, wherein the acquired control instance ID is included in the distribution control request [Ritchie: section 5.3, step 5].*

Regarding claim 45, Ritchie-Debique teaches *a content transmission control method for transmitting content from a tuner, set in a server, [Ritchie: MediaServer, section 5.1] to a client [Ritchie: MediaRenderer and ControlPoint, sections 5.2 and 5.3] via a local area network [“home network”], wherein the tuner receives the content over channels and the server stores a first channel list including the channels [Ritchie: section 5.1, where a “TV tuner” offers channels and Debique: section 7.8, where a “playlistContainer” groups*

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offered media in a list, including Debique: appendix B tuner channels “channelName”],
comprising:

-setting a control instance, wherein content corresponding to channels in a second channel list is set as a unit of content to execute control over streaming of the content corresponding to the second channel list [Ritchie: “this action may return the InstanceID of an AVTransport service that the Control Point can use to control the flow of this content”, section 5.1.2];

-receiving a control request, designating the control instance, from the client via the local area network [Ritchie: figure of section 6.4]; and

-controlling the tuner by using the control instance designated in the control request [Ritchie: section 5.3, step 6].

Regarding claim 46, Ritchie-Debique teaches that:

-the first channel list comprises a plurality of URLs (Uniform Resource Locators) [Debique: section 2.8.5.2];

*-the second channel list comprises one of the URLs [Debique: section 2.8.5.2];
and*

-setting the control instance further comprises associating the one URL with the control instance [Ritchie: “the MediaServer can distinguish between multiple instances of the services (channel or channel list) by using the InstanceID (control instance)”, section 5.1.3].

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Regarding claim 48, the claim comprises substantially the same limitations as claims 45 and 33. The same rationale for rejection is applicable.

Regarding claim 49, the claim comprises substantially the same limitations as claims 45 and 35. The same rationale for rejection is applicable.

Regarding claim 50, the claim comprises substantially the same limitations as claims 45 and 37. The same rationale for rejection is applicable.

Regarding claim 54, the claim comprises substantially the same limitations as claim 42. The same rationale for rejection is applicable.

Regarding claim 55, the claim comprises substantially the same limitations as claim 43. The same rationale for rejection is applicable.

Regarding claim 57, the claim comprises substantially the same limitations as claim 45. The same rationale for rejection is applicable.

Regarding claim 58, the claim comprises substantially the same limitations as claim 54. The same rationale for rejection is applicable.

8. Claims 32, 39, 41, 44, 47, 51, 53, and 56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ritchie in view of Debique as applied to claim 30 above in and

further in view of Dave Conger (*Playing Audio on Your PPC From Your Desktop*, hereafter Conger).

Regarding claim 32, Ritchie-Debique teaches:

-the first channel list comprises a plurality of URLs (Uniform Resource Locators)

[Debique: section 2.8.5.2];

-the second channel list comprises one of the URLs [Debique: section 2.8.5.2];

and

-a connection for streaming of the content between the server and the client is an HTTP (HyperText Transport Protocol) connection [Ritchie: section 6.5] set on the basis of the one URL.

Ritchie-Debique does not explicitly disclose that *the content distribution control section streams the content via the HTTP connection before and after channel switching, wherein the channel switching comprises switching between channels described in the second channel list.*

However, Conger teaches a method by which a single HTTP connection [Conger: Starting the Media Stream, Connecting With Your Pocket PC] may be consistently used before and after channel (“song”) switching [Conger: Extra Notes, second bullet point].

Conger and Ritchie-Debique are in the same field of endeavor as both cover the art of streaming media across a local area network. One of ordinary skill in the art at the time the invention was made would have been motivated to modify Ritchie-Debique’s

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HTTP streaming technique with Conger's single-connection approach as doing so would allow for media to be broadcast without the break in streaming otherwise associated with switching streams. Therefore, the invention as a whole would have been obvious to one of ordinary skill in the art at the time the invention was made. Regarding claim 39, Ritchie-Debique-Conger teach the server of claim 30 as discussed above wherein:

-the content distribution control section [Ritchie: ControlPoint, section 5.3] is configured to:

- *-set a URL as an identifier for the second channel list [Debique: section 2.8.5.2];*
- *-receive an HTTP-GET method as a content request from another client, the request invoking the URL [Ritchie: section 6.5]; and*
- *-stream, through an HTTP connection, content based on the URL invoked by the client [Conger: Starting the Media Stream, Connecting With Your Pocket PC].*

Regarding claim 41, the claim comprises substantially the same limitations of claim 32.

The same rationale for rejection is applicable.

Regarding claim 44, the claim comprises the limitations of claim 32 and 42. The same rationale for rejection is applicable.

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Regarding claim 47, the claim comprises the limitations of claim 32 and 45. The same rationale for rejection is applicable.

Regarding claim 51, the claim comprises substantially the same limitations as claims 45 and 39. The same rationale for rejection is applicable.

Regarding claim 53, the claim comprises substantially the same limitations as claims 45 and 41. The same rationale for rejection is applicable.

Regarding claim 56, the claim comprises substantially the same limitations as claim 44. The same rationale for rejection is applicable.

9. Claims 40 and 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ritchie in view of Debique, further in view of Conger, and further in view of RFC 2616 (Hypertext Transfer Protocol -- HTTP/1.1, hereafter RFC 2616).

Regarding claim 40, the claim comprises substantially the same limitations as claim 32. The same rationale for rejection is applicable. The claim further comprises the additional limitations that:

- the content distribution control section is configured to:
- determine whether or not streaming to the client can be maintained even when there is switching between the channels described in the second channel list; and

- *-execute breakage of the HTTP connection where it is determined that the streaming cannot be maintained; and*
- *-the content providing server is configured to notify breakage information about the HTTP connection via an event notification connection between the server and the client.*

Ritchie-Debique does not explicitly disclose a means for determining whether the coded data transmission to the client can be maintained, for breaking the transmission if it cannot, and for notifying the client of HTTP breakage. However, RFC 2616 teaches that the server may become aware that it is incapable of performing a client request [RFC 2616: section 10.5, first paragraph and section 10.5.1] and also that the sever will break [*“close”*] an HTTP connection on an error [RFC 2616: section 10.4, second paragraph]. Additionally, RFC 2616 teaches a plurality of error codes (e.g., 409, 500, 501) that are used in the process of notifying breakage information about the HTTP connection via an event notification connection between the server and the client [RFC 2616: *response status code*, section 10.5, first sentence].

RFC 2616 and Ritchie-Debique are in the same field of endeavor as both cover the art of streaming data across a network. One of ordinary skill in the art at the time the invention was made would have been motivated to modify Ritchie-Debique's HTTP server and streaming technique with RFC 2616's response status codes and error reporting procedures as doing so would allow for clients to be notified of errors via a standardized set of codes and allow for a graceful close of connections. Therefore, the

invention as a whole would have been “*prima facie* obvious” to one of ordinary skill in the art at the time the invention was made.

Regarding claim 52, the claim comprises substantially the same limitations as claims 45 and 40. The same rationale for rejection is applicable.

Response to Arguments

10. Applicant’s arguments filed 4 December 2007 have been fully considered, but not found persuasive.

11. Regarding independent claim 30 and dependent claims 31-50 and 52-58, applicant argues the applied reference does not teach claim limitation as recited.

Namely, applicant argues that Ritchie and Debique do not teach

(i) “a content distribution control section that executes live streaming of the content to the client via the local area network”, and

“wherein the content distribution control streams the content, corresponding to the channels, as a single unit of controlled content, on the basis of a control request corresponding to a second channel list received from the client”.

According to applicant’s interpretation, the content transmitted by Debique includes stored objects or enumerating a list of TV shows current being broadcast, thus does not constitute the content, corresponding to the channels, as a single unit of

controlled content, and further the content directory service only enumerates a list of TV shows currently broadcast which does not constitute distributed channels.

Applicant further argues (ii) that the plurality of data entities in the Debique reference does not constitute a plurality of channels, because according to applicant's interpretation the playlistContainer is a collection of various stored data objects, indicating that this is not the same as *the content distribution control section streams the content, corresponding to the channels, which includes live streaming of the content being received via tuner to the client*, as recited on claim 30.

In response to the above-mentioned argument, applicant's interpretation of applied prior art is noted. However, it is the combination of Debique and Ritchie that teaches that the collection of objects corresponds to a plurality of channels for streaming rather than either Debique or Ritchie alone.

Specifically, Ritchie teaches (i) *a content distribution control section that executes live streaming [page 7, paragraph 2] of the content [page 7, paragraph 1] to the client [MediaRenderer, page 7, section 5.2] via the local area network ["home network"] [page 7, paragraph 1].*

Ritchie additionally teaches that (ii) *the content distribution control streams the content, corresponding to the channel (note: singular) [page 7, paragraph 1 "TV tuner" and "satellite/cable receiver" use channels as content] on the basis of a control request corresponding to a second channel list ["InstanceID" "identifying the content item"] received from the client [section 5.3, items 5-7].*

Ritchie does not explicitly disclose the distribution of multiple channels *as a single unit of controlled content*.

However, Debique discloses that “a playlistContainer instance represents a collection of [multimedia] objects... audio, video, and images” [section 7.8] and “may have an element for playback of the whole playlist” [section 7.8] and also that a “channelName” may be used to identify a tuner channel therein [Appendix B]. Therefore, Debique teaches distribution of multiple channels as a single unit of controlled content.

Ritchie and Debique are analogous subject matter in the same field of endeavor, as both cover the art of streaming media across a local area network. One of ordinary skill in the art at the time the invention was made would have been motivated to modify Ritchie’s identifiers with the resource identifier types provided by Debique as doing so would allow for different types of content to be identified. In addition, Ritchie makes explicit mention of using Debique’s *ContentDirectory* [Ritchie: section 5.1.1, page 7]. Therefore, the invention as a whole would have been obvious to one of ordinary skill in the art at the time the invention was made.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

12. Regarding independent claim 30 and dependent claims 31-50 and 52-58, applicant argues the combination of the Ritchie and Debique reference. Namely, that it would not have been obvious to combine the teachings of Ritchie and Debique as the combination is counter to the teachings of Ritchie since Ritchie states that "Synchronized playback to multiple rendering devices" is a "Non-Goal".

In response to the above-mentioned argument, applicant's position on the combination of references is noted. However, while examiner acknowledges that Ritchie does not teach synchronized playback to multiple rendering devices, such is not sufficient to show that Ritchie teaches away from such a combination or that the combination of Ritchie and Debique renders the prior art unsatisfactory for its intended use. The "non-goals" section cited by applicant refers only to elements that are not included in Ritchie's teachings and not necessarily elements that run contrary to them. Indeed, another non-goal of Ritchie's UPnP AV Architecture, DRM, is commonly included in commercial implementations (e.g., RealPlayer's Rhapsody) and superset standards (e.g., DLNA and Intel's NMPR). Moreover, Ritchie and Debique are certainly compatible, as the two were released by the same organization (the UPnP Forum), share a common author (John Ritchie) and clearly state that they are "for UPnP Version 1.0" on their respective front pages. In addition, Ritchie makes explicit mention of using ContentDirectory (Debique) at several points (e.g., section 5.1.1, page 7).

Conclusion

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

14. Reply to a final rejection or action must include cancellation of, or appeal from the rejection of, each rejected claim. If any claim stands allowed, the reply to a final rejection or action must comply with any requirements or objections as to form (see 1.113). If prosecution in an application is closed, an applicant may request continued examination of the application by filing a submission and the fee set forth in § 1.17(e) prior to the earliest of: (c) A submission as used in this section includes, but is not limited to, an information disclosure statement, an amendment to the written description,

claims, or drawings, *new arguments, or new evidence in support of patentability*. If reply to an Office action under 35 USC 132 is outstanding, the submission must meet the reply requirements of § 1.111 (see MPEP 706.07).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to IMAD HUSSAIN whose telephone number is (571)270-3628. The examiner can normally be reached on Monday through Thursday from 0730 to 1700.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Beatriz Prieto can be reached on 571-272-3902. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/IH/
Imad Hussain
Examiner

/Prieto, Beatriz/
Supervisory Patent Examiner, Art Unit 4117